



CITY OF HAYWARD

AGENDA REPORT

Planning Commission
Meeting Date 02/25/99
Agenda Item 3

TO: Planning Commission

FROM: James V. De Luz, Assistant Planner

SUBJECT: Use Permit Application No. 97-160-11 - South Congregation of Jehovah's Witnesses, Inc. (Applicant) South Congregation of Jehovah's Witnesses, Inc./Phil and Clora Brad (Owners) - Request to construct a 6,252-square-foot Kingdom Hall (church). The property is located at 28126 Harvey Avenue, easterly side, and 28291 Ruus Road and 28317 Ruus Road, westerly side. The property is a through lot with frontage on both Harvey Avenue and Ruus Road, and is located in a Single-Family Residential (RS) District.

RECOMMENDATION:

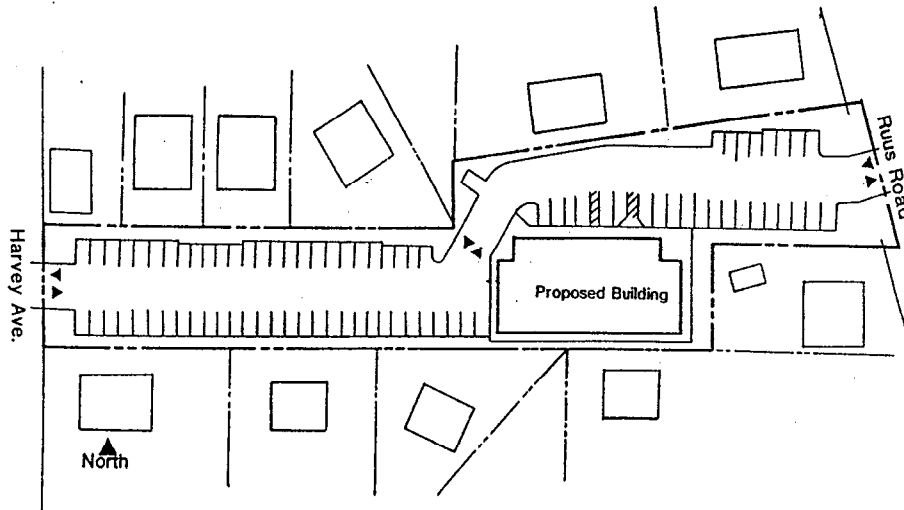
It is recommended that the Planning Commission recommend approval of the mitigated negative declaration and the use permit subject to the attached findings and conditions of approval.

DISCUSSION:

The project site encompasses two separate parcels and 3,000 square feet at the rear of another adjacent property. All properties are flat and irregular in shape. The parcel located at 28126 Harvey Avenue, the Kingdom Hall site, has 75 feet of frontage on Harvey Avenue, is 379.35 feet in depth and is approximately 34,151 square feet in area (.78 acre). The property located at 28291 Ruus Road (Bradd property) is developed with an older single-family dwelling constructed in 1947 that will be removed. It averages 127 feet in depth and is approximately 11,043 square feet in area (.25 acre). Several fruit trees are located at the rear of the property and will be removed.

The 3,000-square-foot vacant area at the rear of 28317 Ruus Road is developed with an accessory building and the front of the property is developed with a newer single-family dwelling. All properties combined have a total lot area of approximately 48,500 square feet (1.10 acres). A condition of approval will require a lot line adjustment and a parcel merger to create the project site as single parcel. Properties to the south, east across Ruus Road, and west across Harvey Avenue are zoned Single-Family Residential (RS) District, and properties to the north are zoned (RS) and Planned Development (PD) District. All surrounding properties are developed with single-family residences. Approximately 11 residences abut the

applicant's property along the north and south property lines. Residences to the south are all one-story and residences to the north are one and two-stories. The properties are located within the Tennyson-Alquire Neighborhood Plan Area. The Plan was adopted in 1989.



Background

The Harvey Avenue Kingdom Hall was constructed in 1963 while the area was under Alameda County jurisdiction. The hall contains seating for 150 occupants and parking for 41 vehicles. In 1997, the applicant applied for a conditional use permit to raze the hall and construct a new larger hall and parking lot. Staff was unable to support the use permit because of setback variances and issues with emergency vehicle access, vehicular circulation, and building design. Subsequently the applicant negotiated with an adjacent property owner to acquire additional property to improve vehicular ingress and egress into the property, provide additional landscaping around the building, within the parking areas, and along the street frontages, and to meet required building setbacks. The applicant also revised the hall elevations to create a more articulated roof design that is complementary to the surrounding residences.

Proposal

The applicant proposes to construct a new Kingdom Hall with two separate auditorium areas with a total seating capacity for 352 occupants. Each auditorium will have a separate office and a library. The building is accessible through the main building entry, a main lobby that opens into each auditorium area. The hall will be used mainly Sunday morning and early Sunday afternoon, some weekday evenings and occasionally Saturday mornings. Construction of the hall will require the construction of a parking lot; the installation of landscaping; a masonry wall around the property perimeter; the installation of related site improvements, such as paving and drainage, street improvements; and the applicant proposes the installation signs along the property frontage.

Major Issues

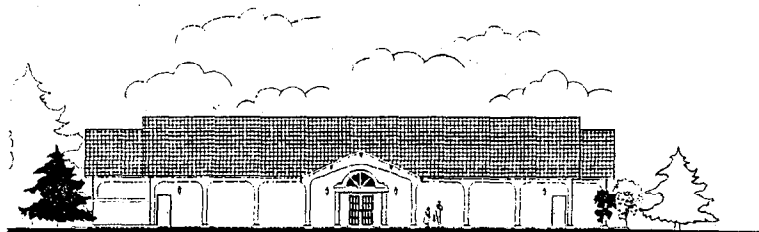
The major issue associated with the construction of the new hall is compatibility of the use with adjacent residentially developed parcels.

Architecture/Building Location/Setbacks

The hall will incorporate masonry block construction with a beige exterior color coat and scored white cement plaster accent bands that trim the exterior walls. Use of the accent band element combined with simulated pilaster columns provides a visual relief element around the exterior building walls. The hall will be covered with a Monray tile roof. The roof line incorporates an articulated roof element to create a varied roof ridgeline. The overall height of the hall is 25 feet from grade to the top of the roof ridgeline. This is acceptable in that the overall building height permitted in the RS District is 30 feet and many of the abutting two-story single-family residences are of similar height. A covered roof overhang, an extension of the building roof, will accent the hall entry area and create the main focal point of the building. The varied roof elevation, beige colored exterior walls, and white simulated pilaster columns create a varied building elevation on both the Ruus Road and the Harvey Avenue frontages.

The building elevations indicate the use of decorative exterior doors at the main entry area into the hall. Staff recommends upgrading all other exterior doors located around the perimeter of the hall from the plain steel utility type to a decorative design that complements the main entry doors. A condition of approval will require Director of Community and Economic Development/Planning Director approval for all building materials and colors prior to the issuance of a building permit. The exterior treatment of the building combined with the building setback and landscaping will contribute to an attractive streetscape on both street frontages.

Because lot width restrictions limit building design options the applicant indicates it is more practical to orient the main building entry toward the parking area at the north side of the building instead of the Ruus Road or Harvey Avenue frontage. Access to the hall does not appear to be severely constricted at the building entry area in that the lot is approximately 125 feet wide at that point. If the hall were more closely located to either street frontage, building orientation would be a critical concern. Furthermore the hall will be setback 138 feet from the Ruus Road frontage, 238 feet from the Harvey Avenue frontage, and will setback 10 feet from the side property lines which complies with the side yard setback requirements for the RS District. Neither the building height nor setbacks appear to impact the adjacent residences.



Landscaping and Fencing

The City's Landscape Architect has reviewed the proposed landscape and irrigation plans and recommends that the applicant install two 24-inch box street trees on Harvey Avenue and three 24-inch box street trees on the Ruus Road frontage. A condition of approval requires a landscape buffer with trees, vines and shrubs adjacent to the residential development that abuts the site. Vines or espaliered shrubs on trellises are required on the north and west building elevations to break the building mass and to enhance the architecture. All above ground utilities, mechanical equipment, and trash enclosures must be screened.

A 6-foot-high masonry block wall is proposed along the side property lines. Masonry walls are required between commercial uses and residential uses unless waived because the commercial use is of low intensity. In this instance, the hall parking lots abut residential rear yards, so a masonry wall is recommended. The wall will be located atop a concrete footing and the height may vary slightly higher than 6 feet where grade variations occur. The wall will provide sound mitigation for the adjacent residences and secure the property. The plans indicate the use of 6-inch masonry blocks with an 8-inch masonry cap and masonry pilasters 16 feet on center to break-up the wall mass. Staff recommends the wall incorporate an upgraded decorative cap or a complementary tile cap to reflect the roof design, the use of the stucco color coat to match the building, and to reduce the pilasters from 16-foot centers to 10-foot to 12-foot centers to better achieve a varied wall design. Wall design and materials will be subject to Planning Director approval.

Within the required 20-foot front yard setback areas the applicant proposes a decorative tubular steel fence a maximum of 4 feet in height. A gate will be located across each driveway to secure the property when not in use. The gate must setback a minimum of 10 feet from the front property line. A condition of approval reflects these requirements.

Parking/Vehicular Circulation/Emergency Vehicle Access Requirements

The applicant's submittal indicates a parking lot design to accommodate 84 vehicles. This exceeds the number of parking spaces required for the use (70 parking spaces are required, one space for each five seats). The applicant states that the proposed parking lot for the new hall should accommodate their members' parking needs. The applicant has negotiated with the Eden Youth Center (EYC) to utilize the EYC parking lot on an occasional basis if additional overflow parking is needed. The parking lot can accommodate approximately 55 vehicles. Normally large events, gatherings, or general meetings are held at a larger main Kingdom Hall facility in Fremont. The arrangement with EYC requires City approval since the EYC site is owned by the City. This has not been granted as of this date and should not be considered crucial to meet parking needs. Staff supports the project without the additional off-site parking arrangement since the number of parking stalls provided on site exceeds the number required.

The proposed parking lot is designed for two-way vehicular circulation with vehicular ingress and egress on both Harvey Avenue and Ruus Road. The Transportation Services Division reviewed the use and parking lot design and determined that the driveway access for the project is adequate. Fire Prevention determined that the revised parking lot design conforms to Fire Department access requirements provided the building is fully fire sprinklered and that the fire lane connecting Harvey Avenue with Ruus Road is fully identified with red-curbing and signage. A condition of approval will reflect these requirements.

Site Improvements/Street Dedication

Dedication of 3 feet of property frontage along Harvey Avenue and 10 feet along Ruus Road is required for street improvements, curb, gutter, sidewalk, and respective tie-in pavement within the right-of-way of both streets. Street improvements must be completed prior to occupancy of the hall.

Signs

The maximum sign area permitted for a religious facility is 15 square feet of sign area. The applicant's submittal exceeds both the area and number of signs permitted. He has agreed to reduce the proposed sign on Harvey Avenue to comply with the Sign Ordinance and to revise the Ruus Road sign to a directional sign not to exceed 6 square feet in area which is permitted by the Sign Regulations. A condition of approval will require Planning Director approval of the applicant's sign program prior to the issuance of a building permit.

Trash and Recycling Enclosures

An 8-foot by 10-foot masonry block trash and recycling enclosure is indicated on the site plan at the northside of the parking area. The enclosure is not located adjacent to any structures on the abutting properties, the nearest dwelling is approximately 45 feet away and is separated by the applicant's masonry wall. The enclosure is 7 feet in overall height and is color coated to match the masonry wall perimeter walls and is roofed with tile to match the hall. The design of the structure is complementary to the hall and will not impact the adjacent residents. A condition of approval will require the design and materials of the enclosure to be approved by the Director of Community and Economic Development/Planning Director prior to the issuance of a building permit. Another condition will require the City's Solid Waste Manager to approve the design of the trash and recycling enclosure to ensure the design conforms with the requirements of the City's recycling program.

Lighting

The applicant proposes to install decorative lighting fixtures around the perimeter of the building, and typical light standards within the parking area. The plan indicates light standards to be 12 feet in height attached to a concrete base 2 feet 6-inches in height with a direct light luminaire fixture fixed atop. The height of the light standard is excessive and the design of the

lighting fixture is out of character with its residential setting. Staff recommends lowering the lighting standards to no more than 12 feet overall height to keep in scale with surrounding properties and with the height of the 6 foot masonry wall. A condition will require the applicant to submit a site lighting plan for the property to minimize the height and to incorporate decorative exterior lighting fixtures. Lighting must be arranged to reflect away from adjacent properties and designed to conform with the City's Security Ordinance, which requires a minimum of one candle-foot at ground level during hours of darkness.

Hours

The applicant indicates the hall will be used during weekday evenings from approximately 7:00 P.M. to 9:00 P.M. and Saturday mornings from 9:00 A.M. to 12:00 P.M. and Sunday mornings from 9:00 A.M. through Sunday afternoon. A condition of approval will require that the application be brought back before the duly authorized review body if hours of operation are found to be incompatible with the adjacent residential uses. A condition requires members to ensure that all organized activities take place completely within the building and that functions outside the building are subject to Planning Director approval.

General Plan/Neighborhood Plan/Neighborhood Concerns

The General Plan designation for the property is Low-Density Residential land use. A religious facility conforms with the the General Plan designation. The property is located within the Tennyson-Alquire Neighborhood Plan area. The Neighborhood Plan encourages land use and site development which serves the varied needs of the neighborhood. The existing hall has served many neighborhood residents for a number of years. As the neighborhood area is more intensely developed with new residences, the need for more neighborhood serving uses also increases. The Neighborhood Plan addresses the need for neighborhood standards to be met, including the installation of standard curb, gutter and sidewalk on through streets such as Ruus Road and Harvey Avenue, which is a condition of approval of this permit application.

During the use permit referral process staff solicited comments from neighborhood residents and property owners regarding the project. Six letters were received regarding the applicant's first submission from residents who reside within the project area, one of which was signed by three individuals, and a letter from the former co-chair of the Tennyson-Alquire Neighborhood Task Force. All residents cited problems with excessive neighborhood traffic, parking problems generated by the existing Kingdom Hall and other churches in the area, the excessive number of churches located in the neighborhood, concerns with building setbacks, fencing, noise and with the applicant's request for variances associated with the first submittal. Staff attempted to contact all of the individuals who sent letter responses and also received calls from others who followed-up their letters by telephone. Staff informed residents that the applicant's project involves removal of an existing Kingdom Hall and the construction of a new larger hall and that conditions of approval will be required for the new use that will regulate parking, hours, lighting, the installation of a masonry sound wall for noise mitigation and

screening purposes and other related site improvements and that the existing hall is not operating under a City use permit. At least five churches have located in the neighborhood over the years because of the availability of large reasonably priced lots in the area that can accommodate the construction of a religious facility.

After receiving the second submittal staff again mailed notices to area residents and concerned individuals requesting project comments regarding the applicant's project revisions. Only two calls were received by staff in response to the second submittal. One individual had general questions and the other did not leave a telephone number to call back. Letters were not received from anyone contacted regarding the second submittal. Based on this level of response staff scheduled the project for public hearing.

Environmental Review

A Mitigated Negative Declaration was prepared for the project by staff and was circulated for the 20-day review period beginning February 5, 1999, and concluding February 25, 1999. As of the date of preparation of the staff report, no comments on the Mitigated Negative Declaration had been received by staff.

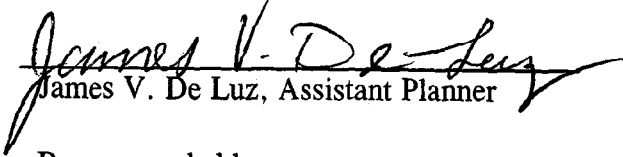
Public Notice

On February 5, 1999, a Notice of Public Hearing was mailed to every property owner and resident within 300-feet of the property as noted on the latest assessor's records, the local homeowners association, and to former members of the Tennyson-Alquire Neighborhood Task Force. As of the date of preparation of the staff report, no one has responded to the notice.


Conclusion

The applicant has made a genuine effort to address previous project concerns to eliminate variances, acquire more property to augment the project site, to improve setbacks, and to provide more off-street parking than is required for the use. The applicant has also responded to neighborhood concerns by his efforts to procure additional off-site parking through his parking agreement to utilize an adjacent parking facility should additional overflow parking be needed. Based on the imposition of standard conditions of approval, the project should be harmonious with surrounding development.

Prepared by:

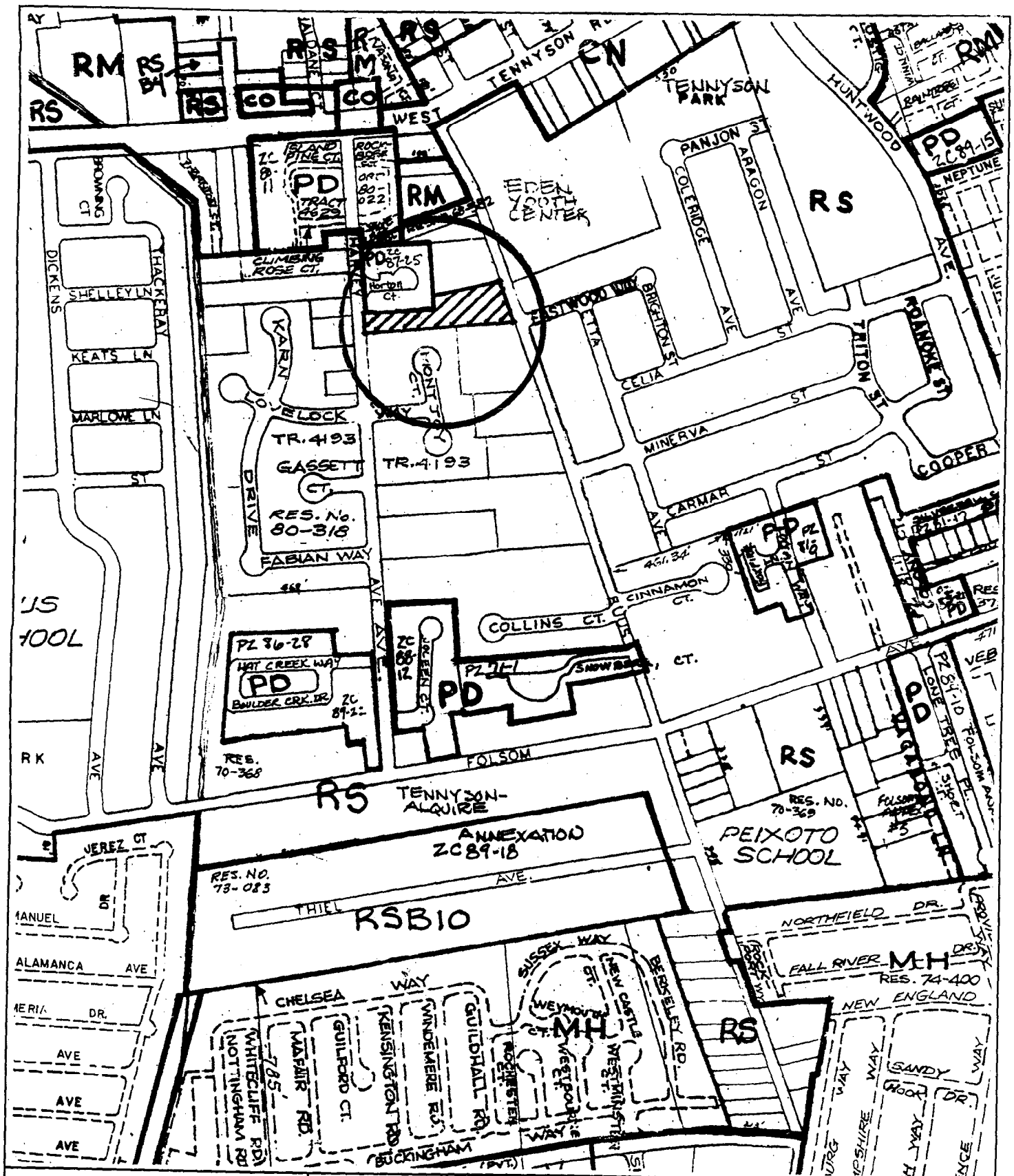

James V. De Luz, Assistant Planner

Recommended by:


Dyana Anderly, AICP
Development Review Services Administrator

Attachments:

- A. Area/Zoning Map
- B. Findings for Approval of Use Permit 97-160-11
- C. Conditions of Approval of Use Permit 97-160-11
- D. Mitigated Negative Declaration and Initial Study
- E. Neighbors' Letters, dated 8/22/97, 8/26/97, 8/27/97, 9/01/97, 9/02/97, 8/18/98
- F. Co-chair's Letter, Tennyson-Alquire Neighborhood Task Force, dated 8/22/97
Development Plans



▲
North
1" = 500'

ZONING MAP

UP 97-160-11 & VAR 97-180-14

South Congregation of Jehovah (Appl.)

Phill & Glora Bradd (Owner)

28126 Harvey Ave.

FINDINGS FOR APPROVAL
Use Permit Application 97-160-11
South Congregation of Jehovah's Witnesses, Inc.
28126 Harvey Avenue

1. That the South Congregation of Jehovah's Witnesses, Inc. is desirable for the public convenience or welfare in that the construction of a new kingdom hall and parking lot will require the removal of a smaller hall on the property and replacement with a new hall and new parking lot that is adequately designed to accommodate parking requirements generated on-site;
2. That the project as conditioned will not impair the character and integrity of the Single Family Residential (RS) District and the abutting residences in that project approval will require the installation of major site improvements such as the installation of full street improvements, curb, gutter and sidewalk across both the Harvey Avenue and Ruus Road frontages, the installation of a masonry block sound wall for noise mitigation purposes and to reduce the visual impact of the project on adjacent neighbors, the installation of landscaping, street trees and related improvements and improved drainage facilities within Harvey Avenue and Ruus Road;
3. That the project as conditioned will not be detrimental to the public health, safety, or general welfare in that the applicant will be required to conform with all Uniform Building, Fire and related code requirements, including but not limited to emergency access and handicap access requirements; that the applicant will be required to conform with and install street improvements along both the Harvey Avenue and Ruus Road frontages, install the perimeter masonry wall for sound mitigation purposes, limit the hours of operation to those specified in the staff report to insure compatibility with adjacent residents, and that the applicant must conform with all conditions of the use permit including but not limited to the installation of drainage facilities, landscaping and related site improvements;
4. That the project as conditioned will be in harmony with applicable City policies including the City's Design Guidelines, the Tennyson-Alquire Neighborhood Plan, the City's Off-Street Parking Requirements and the RS District Minimum Design and Performance Standards in that the Neighborhood Plan encourages site development which serves the varied needs of the neighborhood, that the new hall exceeds parking requirements for a religious facility, that the building design takes into consideration adjacent residences in that the hall is designed to limit access at the east, west, and south sides of the building to emergency access only, thus eliminating any possibility of the public exiting directly into sensitive areas adjacent to residences; and
5. That the proposed use will replace an existing hall approved and constructed while under Alameda County jurisdiction and that does not conform with City Design Standards and where no City approved use permit is in effect to control hours of operation, property maintenance, drainage, lighting and fencing requirements.

CONDITIONS OF APPROVAL
Use Permit Application 97-160-11
South Congregation of Jehovah's Witnesses, Inc.
28126 Harvey Avenue

1. Use Permit Application No. 97-160-11 is approved subject to the specific conditions listed below. This permit becomes void on February 25, 2000, unless prior to that time a building permit has been accepted for processing by the Building Official, or a time extension is approved. A request for a one-year extension must be submitted to the Development Review Services Division 15-days prior to the above date.
2. All improvements indicated on the site plan labeled Exhibit "A" shall be installed prior to occupancy of the building.
3. Prior to the issuance of a building permit the applicant shall:
 - a. Submit to the Director of Community and Economic Development/Planning Director for review and approval the following:
 - i. Samples of all exterior building materials and colors.
 - ii. The design of all exterior plain steel utility doors located around the perimeter of the hall. The door design shall be up-graded to a decorative design to match the main entry doors into the hall.
 - iii. Provide a detail of the decorative metal tubular steel fence proposed within the 20-foot front yard landscaped setback along Harvey Avenue and Ruus Road. Fencing shall be limited to 4 feet overall height and shall be provided with a lock box or equivalent locking device(s); the location and design shall be approved by the Fire Marshall.
 - iv. Revise the design of the masonry block wall to incorporate decorative blocks or stucco color coat with a complementary tile cap to reflect the roof design of the building. Reduce the wall pilasters from 16-foot to 10-foot to 12-foot centers for varied wall design.
 - v. Signage shall be limited to one sign on the Harvey Avenue frontage a maximum of 15 square feet in area and deleting the Ruus Road sign to a directional sign not to exceed 6 square feet in area. Revisions shall conform with the Sign Regulations for the RS District.
 - vi. The design and materials of the proposed trash and recycling enclosure shall comply with the City's Recycling Ordinance and shall contain

provisions for recycling facilities such as a trash dumpster and recycling carts.

- vii. The design of the trash and recycling enclosure shall be submitted to the City's Solid Waste Manager to ensure the design conforms with the requirements of the City's Recycling program and a recycling plan shall be approved prior to construction.
 - viii. Submit an exterior lighting plan for the property to be designed by a qualified lighting designer. The parking lot light standards shall be a maximum of 12 feet overall height, shall incorporate decorative exterior lighting fixtures in keeping with the residential setting, and shall provide a minimum of one candle foot at ground level during hours of darkness.
 - ix. A drainage plan shall be approved that shall incorporate fossil filters in all catch basins.
 - x. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for the review and approval by the City's Landscape Architect. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
- b. Record a lot line adjustment to reflect the property configuration as indicated on the approved site plan labeled Exhibit "A". A Notice of Lot Line Adjustment shall be recorded with the Alameda County Records Office.
 - c. Provide a Phase One Environmental evaluation of the property for review by the Fire Department's Hazardous Materials Division.
 - d. Submit a demolition permit for the removal of the existing hall and home.
 - e. Submit a gallon per minute demand to determine if proposed existing ¾-inch meter is adequate.
 - f. Submit six sets of architectural and structural drawings, including structural calculation to be wet sealed and signed by each responsible professional. Title 24 energy compliance forms and calculations are required. Security Ordinance 90-26 shall apply.
4. Prior to occupancy the applicant shall:
- a. Install two 24-inch box street trees on Harvey Avenue and three 24-inch box street trees on Ruus Road. Trees shall be planted 5 feet behind the sidewalk according to City Standard Detail SD-122. The species shall be approved by the City.

- b. Install a landscape buffer with trees, shrubs and vines adjacent to residential development adjacent to the site. The 15-gallon trees shall be planted 20 feet apart along the north, south and east property lines. Evergreen vines shall be planted approximately 5 feet apart and trained onto the block wall.
- c. Incorporate vines or espaliered shrubs on trellises on the north and west building elevations to break-up the solid mass and enhance the architecture.
- d. Screen all above ground utilities, mechanical equipment and trash enclosures from the street with shrubs.
- e. Demolition and construction activities shall meet the requirements of the Hayward Fire Code, Article 87-"Fire Safety During Construction, Alteration or Demolition of a Building." New building shall be fully fire sprinklered. Fire hydrants shall be installed per City of Hayward standards. Emergency access shall meet the Hayward Fire Department Standards for emergency vehicle turning radius and fire lane shall connect Harvey Avenue with Ruus Road. Occupant load sign, panic hardware, exit signs and emergency lighting shall be provided. Seating width between rows shall be increased by ½-inch per seat for rows exceeding seven seats per Uniform Fire Code, Section 2501.10.1. Fire extinguishers shall be provided, decorative materials shall meet Uniform Fire Code, Section 1103.3.3. Fire lanes shall be identified with red-curbing and signage, and the property address shall be visible from both street frontages.
- f. Install Reduced Pressure Backflow Prevention Assembly per City of Hayward Detail 202.
- g. Provide City Water Distribution personnel with keys, access code or automatic gate opener to all utility meters enclosed by a fence. Only City Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- h. Dedicate 3 feet of property frontage along the Harvey Avenue frontage and 10 feet along Ruus Road for the installation of street improvements, curb, gutter, and sidewalk, and respective tie-in pavement within the right-of-way on both streets and complete the installation of frontage improvements.
- i. Remove the existing water services within the public right-of-way on Harvey Avenue and Ruus Road by City personnel at the applicant's expense.
- j. Show bench mark elevation on the site drainage and improvement plans. Structural controls shall be installed on all inlets to treat surface water runoff prior to discharge to the storm drainage system.
- k. All storm drains within the City right-of-way shall be a minimum 12-inch reinforced concrete pipe. Delete the storm drain connection to the existing inlet on Ruus Road and connect on-site inlet to the proposed southerly in-let on Ruus

Road. Add trench detail per City Standard Detail SD-103 to be used within the City right-of-way.

1. School District Fees, Supplemental Construction Tax and Title-24 Disabled Access requirements shall apply.
- m. Obtain approval of the Alameda County Flood Control and Water Conservation District to retain the existing well.
6. Landscaping shall be maintained in a weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent die-back) shall be replaced within 10-days of the inspection. Trees that are severely topped or pruned shall be replaced immediately as determined by the City's Landscape Architect.
7. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. All trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City's Landscape Architect.
8. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
9. The property owner shall maintain in good repair all building exteriors, walls, lighting, landscaping, trash enclosures, drainage facilities, driveways, and parking areas. The premises shall be kept clean and any graffiti shall be painted or removed within seven days of occurrence.
10. The use permit shall be brought back before the duly authorized review body if hours of operation are found to be incompatible with the adjacent residential uses.
11. Activities outside the building are subject to approval by the Director of Community and Economic Development/Planning Director.
12. Prior to authorization for occupancy, including authorization for gas and electric meter service, staff shall ensure that the use, arrangement, construction, and improvements are in conjunction with plans approved through verification of zoning compliance procedures.
13. Violation of conditions is cause for revocation of permit after public hearing before the duly authorized review body.



CITY OF HAYWARD

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. **PROJECT DESCRIPTION:**

USE PERMIT APPLICATION 97 -160-11 South Congregation of Jehovah's Witnesses, Inc. (APPLICANT) South Congregation of Jehovah's Witnesses, Inc./Phil and Clara Bradd (Owners) - Request to construct a 6,252 square-foot kingdom hall (church) located on a 38,050 square foot (.87) acre parcel, including two auditorium areas with a total combined seating capacity of 352 occupants, each with a library and office, and to raze an existing smaller hall on the property and provide 84 parking spaces where 70 parking spaces are required.

The project location is 28126 Harvey Avenue, the property is a through lot with frontage on both Harvey Avenue and Ruus Road, approximately 850 feet southerly of West Tennyson Road, in a Single-Family Residential (RS).

FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project will have no significant effect on the area's resources, cumulative or otherwise if the public hearing body determines that there is no significant conflict with land use policies relating to the use of lands zoned Industrial in Hayward.

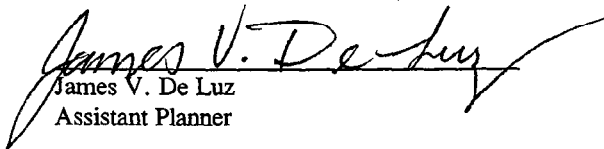
II. **FINDINGS SUPPORTING DECLARATION:**

- A. That the project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation checklist has been prepared with a determination that the project will not have a significant impact on the environment.
- B. The project is in conformance with the General Policies Plan Map designation of Low Density Residential Land Use for the property.
- C. That the proposed project is in conformance with the intent and purpose of the Zoning Ordinance designation of "Single-Family Residential" for the property.
- D. The property is already developed with an existing church, parking and circulation vehicular areas, and that existing public facilities, services, and utilities already serve the

property and that approval of a larger church and parking area and related site improvements will not significantly impact adjacent properties.

- E. That there is no evidence of historical or archaeological resources within the project site.
- F. That the proposed site plan provides proper access, circulation, and parking for church members and the general public and that an off-site parking arrangement has been negotiated by the applicant with an adjacent property owner to utilize the Eden Youth Center parking lot if additional parking is needed on weekday evenings and Sundays.
- G. That a trash storage area is provided on-site for trash and recycling purposes, that landscaping and the 6-foot perimeter masonry wall that encloses the property including the parking area will provide an adequate visual and sound buffer between the church and adjacent single-family residences that surround the property.
- H. That the City's Transportation Services Division conducted a trip generation analysis for the church and determined that Ruus Road and Harvey are both designed to handle traffic volumes generated by the use.

III. **PERSON WHO PREPARED INITIAL STUDY:**


James V. De Luz
Assistant Planner

Dated: February 5, 1999

IV. **COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact the City of Hayward, Development Review Services Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4212, or e-mail jimd@ci.hayward.ca.us.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

INITIAL STUDY CHECKLIST FORM

Project title Use Permit Application No. 97-160-11 South Congregation of Jehovah's Witnesses, Inc., Hayward Kingdom Hall

Lead agency name and address: City of Hayward, 777 B Street, Hayward, CA 94541-5007

Contact persons and phone number: James V. De Luz , Assistant Planner, (510) 583-4212

Project location: 28126 Harvey Avenue and 28317 Ruus Road, the property is a through lot with frontage on both Harvey Avenue and Ruus Road, and is located approximately 850 feet southerly of West Tennyson Road, in an Single-Family Residential (RS) District.

Project sponsor's name and address:
South Congregation of the Jehovah's Witnesses, Inc./John Buttner (Applicant)

General plan designation Low Density Residential

Zoning: Single-Family Residential (RS) District

Description of project: Request to construct a 6, 252 square-foot kingdom hall (church) to be located on a 38, 050 square foot (.87 acre) parcel, including two auditorium areas with a total combined seating capacity of 352 occupants, each with a library and office, and to raze an existing smaller hall on the property and provide 84 parking spaces where 70 parking spaces are required.

Surrounding land uses and setting: The property is developed with an existing 693 square-foot kingdom hall (church) and a small parking lot. All surrounding properties are developed with detached single-family dwellings.

Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Mandatory Findings
of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

James V. De Luz
Signature

JAMES V. De Luz
Printed name

2/5/99
Date

For

ENVIRONMENTAL IMPACTS:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. *Would the proposal:*

- a. Conflict with general plan designation or zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The property is zoned Single-family Residential District and is designated Low Density Residential by the General Policies Plan of the City and a church use permitted by the General Plan land use designation and is a conditional use in the RS District.

- b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

- c. Be incompatible with existing land use in the vicinity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed church as designed conforms with the design standards of the RS District, the project exceeds the parking requirements for a church use and the design of the project does not require approval of any variances.

- d. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

- e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

II. POPULATION AND HOUSING. *Would the proposal:*

- a. Cumulatively exceed official regional or local population projections?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No impact.

c. Displace existing housing, especially affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No impact. The project will require removal of a small single-family residence located on a large underutilized lot.

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

a) Fault rupture?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No impact. The property is located significantly to the west of the Hayward Fault zone (approximately 1.06 miles).

b) Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The building is located to the west of the fault zone, it will not be exposed to any new geologic hazards and it will be engineered to comply with California seismic design standards.

c) Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

d) Seiche, tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

e) Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Possibly. Building design is subject to the recommendations of a registered soils engineer.				
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
IV. WATER. <i>Would the proposal result in:</i>				
a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimal impact. On-site drainage from the new parking lot will be required to drain to an existing City of Hayward or Alameda County Flood Control and Water Conservation District approved storm drain system. Prior to the issuance of a building permit the applicant must submit a drainage plan to be approved by the City Engineer or to Alameda County if the discharge is into county facilities.				
b. Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
c. Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
e. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact. The applicant has requested to retain the existing well on the property for irrigation purposes. Approval to retain the well is subject to the Alameda County Water Flood Control and Water Conservation District, District 7.				
f. Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact anticipated. (See previous comment above).				
g. Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact anticipated. (See previous comment above).				
h. Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact anticipated. (See previous comment above).				

V. AIR QUALITY. *Would the proposal:*

a. Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact. The project is not considered significant enough to impact ambient air quality standards.				

- b. Expose sensitive receptors to pollutants?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The area is developed with single-family residences that surround the property. The parking lot will be enclosed with a 6-foot masonry wall to separate the church parking lot from the adjacent residential properties.

- c. Alter air movement, moisture, or temperature, or cause any change in climate?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

- d. Create objectionable odors?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in:*

- a. Increased vehicle trips or traffic congestion?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No impact. The City's Transportation Services Division conducted an analysis of trip generation for the church and determined that the amount of weekday traffic would be negligible, the amount of Sunday traffic would be substantial, it is estimated the church will generate approximately 229 trips on a Sunday, however the Ruus Road is designed to handle traffic volumes generated by the use.

- b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

- c. Inadequate emergency access or access to nearby uses?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact. The Fire Marshal reviewed the applicant's submittal and determined that emergency ingress and egress is sufficient.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>No impact. The project conforms with City Off-Street Parking Regulations, 70 parking spaces are required for the use and 84 parking spaces are provided on-site. The applicants have negotiated a parking agreement to utilize the Eden Youth Center parking lot across Ruus Road for overflow parking if needed. The agreement allows the use of the lot for weeknights from 7:00-10:00 p.m. and Sunday mornings.</p>				
e. Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>No impact.</p>				
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>No impact.</p>				
g. Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>No impact.</p>				

VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to*

Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>No impact. The property is developed with an existing church, church parking lot and an existing single-family dwelling. Because the property is developed and the project will require removal of the existing church, parking lot and dwelling, native plants and wildlife that originally occupied the property were displaced from the site many years ago.</p>				
a. Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>No impact. The project involves the removal of several fruit trees.</p>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
c. Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
d. Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
VIII. ENERGY AND MINERAL RESOURCES. <i>Would the proposal:</i>				
a. Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
b. Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
IX. HAZARDS. <i>Would the proposal involve:</i>				
a. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				

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| b. Possible interference with an emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No impact. The Fire Marshal has reviewed the project and has determined it will not impact any existing emergency plans adopted by the City. The project will be required to conform with the City's Security Ordinance and plan will be reviewed during the plan check review process for conformance with the Security Ordinance.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. The creation of any health hazard or potential health hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Exposure of people to existing sources of potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No impact.

- X. NOISE.** *Would the proposal result in:*
- a. Increases in existing noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No impact anticipated. The project will require the construction of a parking lot to serve the use. A condition of the use permit will require a 6-foot masonry wall around the property perimeter. The wall will be of solid masonry construction and will be designed for noise mitigation and screening purposes.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No impact. The project is not expected to generate severe noise levels and that the level of noise expected to be generated by the project will be mitigated by the installation of the masonry perimeter walls.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a. Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact. The Fire Marshal has reviewed the project and determined that existing fire services in the area are adequate to serve the project.

b. Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impacts anticipated.

c. Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

d. Maintenance of public facilities, including roads?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact anticipated. Existing roads and public facilities are adequate to serve the project.

e. Other government services?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact anticipated.

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

a. Power or natural gas?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact. Because the property is developed it is already served by existing utilities and service systems.

b. Communications systems?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

c. Local or regional water treatment or distribution facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
e. Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact. (See previous comments above).				
f. Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact anticipated. The project is designed with a large trash enclosure and is subject to approval of an on-site recycling plan by the City's Solid Waste Manager.				
g. Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impacts anticipated.				
XIII. AESTHETICS. Would the proposal?				
a. Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
b. Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
c. Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
XIV. CULTURAL RESOURCES. Would the proposal:				
a. Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				
b. Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No impact.				

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| c. Have the potential to cause a physical change which would affect unique cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No impact.

XV. RECREATION. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Affect existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No impact.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c. Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. EARLIER ANALYSES.

- a. **Earlier analyses used.**
- b. **Impacts adequately addressed..**
- c. **Mitigation measures.**
 - The project will require the installation of a ~~perimeter~~ masonry wall for screening and noise mitigation purposes.
 - The project exceeds the City's Off-Street Parking requirements for a church however the applicant's have negotiated a parking agreement to utilize the Eden Youth Center parking lot for overflow parking if needed. The arrangement **allows** the use of the lot for weeknights from 7:00-10:00 p.m. and Sunday mornings.

September 2, 1997

SEP 08 1997
PLANNING DEPT.

Ms. Arlynn Camire
Associate Planner
CITY OF HAYWARD
Development Review Services Division
25151 Clawiter Rd.
Hayward, CA 94545-2731

Subject: Use Permit, 28126 Harvey Ave.

Dear Ms. Camire:

This letter is in response to your correspondence of August 19, 1997 concerning the setbacks for the proposed church via Use Permit No. 97-160-11/VAR97-180-14. I would like to see the setbacks as far as possible due to the problems I have experienced with the current church and its respective members.

Following are the problems with the present church and its respective members:

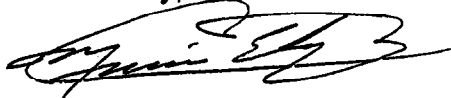
1. Parking problems - the congregation uses Harvey Ave. for its parking and sometimes they block my driveway.
2. My side fence just adjacent to their property has been damaged by the members' cars hitting it.
3. The noise generated by the children and adults after 9:30 p.m. is outrageous.

I request that the City require the building of a sound wall at least 8 feet high around the new proposed church and hope the new church will have ample parking for all the members.

My name is Marvin Edge and I live at 28134 Harvey Ave. which borders the current church on the south side.

Thank you for your time in this matter.

Sincerely,



Marvin Edge

SEP 04 1997

Sr. Arlyhne Camire PLANNING DEPT August-22-1997

Yo Jesus Magallanes.

escribo a usted para hacerle saber mi punto de vista, pues Ustedes en su carta me piden mi opinion, pues bien. Yo quisiera que la construcción que planean que es NO. 97-160-11/VAR 97-180-14 28126 Harvey Avenue, 28291 y 28317 Ruus Road no se yegara a realizar, pues si ya deposi asi como estamos hay mucha jente entre los Departamentos que hay y la iglesia hay muchisima jente y los Sabados y Domingos ya ni se diga es mucha jente muchos carros por toda la calle y mucho escandalo todo el dia y pues se imagina si hay un ampliamento en la iglesia o alguna otra construcción pues ya seria mas jente y mas escandalo y la verdad que a mi si me afecta mucho pues estan a un lado de mi propiedad como podra ver todo el escandalo esta muy cerca.

es por eso que mejor quedara asi como esta.

Muchas gracias por tomarnos en cuenta espero que ustedes tambien asi lo agan y reconsideren sus planes. gracias

ATTE. Jesus Magallanes

28151 MONTJOY CT.
HAYWARD, CA 94544

Translation of letter in Spanish into English

from: Jesus Magallanes
to: Arlynn Camire
dated: August 22, 1997

Ms. Arlynn Camire,

August 22, 1997

I am Jesus Magallanes. I am writing you to make my point of view known, as you had requested in your letter that I could express my opinion.

I would like that the planned construction mentioned in Application No. 97-160-011/VAR. 97-180-14, 28126 Harvey Avenue, 28291 & 28317 Ruus Road, not be done. Already there are too many people in the area, the church has too many people, on Saturdays and Sundays, there are too many people, too many cars on the entire road and too many incidents throughout the day. One can imagine it there is an addition to the church or any new construction, there will be more people and more incidents. The truth is, it will affect me a lot because it is on one side of my property and I will be able to see all the incidents even nearer.

That is why it is better to leave it as it is.

Thank you very much for considering my concerns. I hope that you will do what is necessary and reconsider your plans. Thank you.

JESUS MAGALLANES

Translated by Rica Llorente
Sept. 10, 1997

K:\WP_DOCS\RICAL\MAGALLAN.LTR

Carla Y. Tate
789 Horton Court
Hayward, California 94544

Telephone: (510) 786-9358

August 26, 1997

AUG 28 1997
PLANNING DEPT.

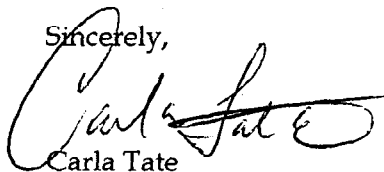
Ms. Arlynne Camire, Associate Planner
City of Hayward
Development Review Services Division
25151 Clawiter Road
Hayward, CA 94545-2731

RE: Use Permit No. 97-160-11/VAR 97-180-14
28126 Harvey Avenue, 28291 & 28317 Ruus Road
Zoning: RS (Single-Family Residential District)

Dear Ms. Camire:

Pursuant to our telephone conversation today, I'm against the request for a use permit to allow the construction and operation of a church in a single-family residential zone. The church that already reside at the above address is causing heavy traffic and parking problems now.

I would prefer to live with the known then the unknown. The traffic and parking problems we have now are known. However, the problems that may come with the construction of a larger church are unknown. Even if more parking is provided, I believe that the new construction will truly mean more of the same problems but on a much larger scale.

Sincerely,

Carla Tate

CT/ct

Enclosure(s)

cc:

795 Horton Court
Hayward, CA 94544-5780
August 27, 1997

Arlyne Camire, Associate Planner
City of Hayward
Development Review Services Division
25151 Clawiter Road
Hayward, CA
94545-2731

SEP 02 1997
PLANNING DEPT.

Dear Ms. Camire,

This is in response to the referral letter I received dated August 19, 1997 regarding the request for use permit (No. 97-160-11/VAR 97-180-14) to allow the construction of a church in a residential district. My house is on the court that backs onto the already existing church. I oppose allowing the church to expand by building on additional property as we are already affected by the congregation. Persons from the church park illegally on our No Parking street whenever there is a service or large function. I understand the parking lot will be expanded with a new church building but expansion of a church building means recruitment of new members to more than fill those spaces. 71 spaces will not accommodate the proposed congregation.

Ruus and Harvey have an over abundance of churches already that will force residences out of the area. This proposed expansion will remove two existing residences. These churches cannot increase the value of our property which has already dropped \$40,000 since we bought the house new six years ago.

Also, I see no reason to allow a variance to decrease the amount of setback required. The city set those standards for a reason.

Please deny this use permit and variance.

Sincerely,



Diane Kevern

Homeowner

Sept 1, 1997.

Arlynne Camire,
Associate Planner
City of Hayward
25151 Claviter Rd
Hayward, Ca 94545

3 SIGNATURES

SEP 08 1997
PLANNING DEPT.

Re: Use Permit No. 97-160-11 / Var 97-180-14
28126 Harvey Ave. (28291 + 28317 Rums Rd)
Zoning, RS. (Single Family Res. Area)

In Answer to the referred letter dated
August 19, 1997.

We, as homeowners in the Eastwood Way/
Rums Rd Area, are very much against
the Construction and operation of a church
at the above addresses.

There are already (5) Churches on Rums
Road, and traffic and parking are a
real problem.

Margaret Durham - 760 Eastwood Way. Hay. 782-1819
Herbert A. Jan 788 Eastwood way Hay 786-0899
Marlene Thompson 28271 Rums Rd 785-8164

AUG 20 1998

8-18-98

Sra. Dyana Anderly.

MI nombre es Maria Magallanes.
Y le quiero hacer el comentario de que
hace mas de un año nos mandaron
una carta del city Hall en la que
decian que en la direccion
28126 Harvey
Hayward cal. en un Templo llamado
Kingdom Hall of Jehovah's witness
se hiva a realizar unos cambios a
la construccion creo la hivan a emplear
o algo asi y en su carta nos mandaban
pedir nuestra opinion a todos los Vecinos
Afectados yo en lo personal mande mi
opinion los mande decir que no estaba
de acuerdo en lo que querian hacer.
y como ya paso mucho tiempo y no
habian hecho nada pensamos que asi
se hiva a quedar, pero el domingo
8-16-98 un Señor vino aqui a mi casa
y dijo que si se aria el proyecto
dijo que tumbarian mi barda por que
querian hacer una mas alta y como
nosotros no estamos de acuerdo le dijimos
que nosotros hibamos a hablar al city Hall
el Señor dijo que el city Hall no tenia

Donald McVicker
28449 Pacific Street
Hayward, Ca 94544
510-582-3129

ATTACHMENT F

August 22, 1997

RECEIVED
AUG 25 1997
PLANNING DEPT.

Arlynn Camire, Assoc. Planner
City of Hayward
25151 Clawiter Rd.
Hayward, CA 94545-2731

Ref: 97-160-11/VAR 97-180-14

Arlynn:

Per our conversation on the phone, this letter is confirming.

As a co-chair of the Tennyson/Alquire task force we heard many citizens from the Ruus Rd. area complain about the mammoth traffic jams on Ruus Road. There are numerous Churches on that Road, Sundays the street is a parking lot. The added parking places will be more than offset by the increased membership.

Ruus road is a direct route to Industrial Blvd. and Industrial Parkway SW. from Tennyson Rd. It leads directly to a major shopping center that includes Home depot, a large Grocery store a Good Guys auto store, etc. it also leads to a North-South Freeway entrance as well as one of the busiest Wal Mart stores in the country.

Ruus Rd. needs to be improved as it can't really handle all the traffic it has now. Large capacity off street parking is imperative before any more general assembly structures should be allowed.

Thanks for listening



Don McVicker